

1 Joshua L. Benson, Esq.
Nevada Bar No. 10514
2 BENSON ALLRED INJURY LAW
333 N. Rancho Drive, Suite 420
3 Las Vegas, Nevada 89106
Telephone: (702) 820-0000
4 Facsimile: (702) 820-1111
E-mail: josh@bensonallred.com
5 *Attorneys for Plaintiff*

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 ANA HERMINIA ECHEVARRIA, individually,
9 Plaintiff,

CASE NO.: 2:23-cv-00486

10 v.

11 CARLOS ALBERTO GONZALEZ, individually;
12 JOSE MARTINEZ, individually; JP MARTINEZ
TRUCKING LLC, a California limited liability
13 company; DOES 1 through 10, inclusive; and ROE
ENTITIES, 11 through 20, inclusive,

14 Defendants.

STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(FIRT REQUEST)

15 LR 26-3

16 Pursuant to LR 6-1 and ~~LR 26-4~~, Plaintiff, by and through her counsel of record, Joshua L.
17 Benson, Esq. of Benson Allred Injury Law, and Defendants, by and through their counsel of record,
18 Justin Smerber, Esq., of Brandon Smerber Law Firm, hereby stipulate and request that this Court
19 extend discovery deadlines in the above-captioned matter. In support of this stipulation and request,
20 the parties state as follows:

21 **I. PROCEDURAL HISTORY**

- 22 1. On February 9, 2023, the Plaintiff filed her Complaint. ECF No. 1.
- 23 2. On March 17, 2023, Defendants filed their Answer to Plaintiff's Complaint. ECF
24 No. 4.
- 25 3. On April 24, 2023, this Court entered the Discovery Plan and Scheduling Order.
26 ECF No. 7.

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1 **II. DISCOVERY COMPLETED TO DATE**

2 1. On April 14, 2023, the Defendants served their Initial Disclosures of Witnesses and
3 Documents pursuant to FRCP 26.

4 2. On April 26, 2023, the Plaintiff served her Initial Disclosures of Witnesses and
5 Documents pursuant to FRCP 26.

6 3. On May 19, 2023, the Plaintiff served her First Supplemental Disclosures of
7 Witnesses and Documents pursuant to FRCP 26.

8 4. On April 14, 2023, the Defendants served written discovery on Plaintiff.

9 5. On June 5, 2023, the Plaintiff responded to the Defendants' written discovery.

10 **III. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

11 This is the parties' first request for an extension. The parties have actively participated in
12 discovery. On May 17, 2023, the Court granted the substitution of attorney for Plaintiff's counsel.
13 Upon entering the case, counsel immediately answered written discovery and identified additional
14 medical records that were missing. On June 5, 2023, Plaintiff's counsel requested records from two
15 medical providers and sent updated medical records requests on June 9, 13, and 15. These
16 additional records are needed for the parties to conduct Plaintiff's deposition and for the parties to
17 retain experts on or before the current August 3, 2023 deadline. The outstanding medical records are
18 from providers located outside the state of Nevada and it has been difficult getting proper responses
19 to valid requests for documents. Plaintiff's counsel has been diligent in seeking these additional
20 records to disclose in the course of litigation. Due to the delay in obtaining these records, the parties
21 are unable to comply with the Court's August 3, 2023, expert disclosure deadline.

22 Additionally, the parties are currently working on coordinating a date to schedule the
23 deposition of Plaintiff. The parties are working together to complete discovery in an efficient
24 manner but agree that more time is needed to complete discovery within the current deadlines.

25 There is no prejudice created by moving the discovery dates and it will allow the parties an
26 opportunity to obtain missing medical records to provide to experts and take critical depositions.
27 The parties represent this Stipulation is entered into good faith and not for the purpose of undue
28 delay.

IV. REMAINING DISCOVERY

1. The parties will need to disclose additional medical records.
2. Plaintiff needs to serve written discovery on Defendants.
3. Plaintiff needs to take the deposition of Defendants.
4. Defendants need to take the deposition of Plaintiff.
5. The parties will need to exchange expert reports.
6. The parties will need to take the depositions of any named experts, medical experts and rebuttal experts.

This section does not limit the parties' ability to conduct other discovery.

V. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER

LR 26-3 ~~LR 26-4~~ governs modifications of extensions of the Discovery Plan and Scheduling Order.

Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with ~~LR 26-4~~ ^{LR 26-3}. Therefore, the parties respectfully request that the modification of a scheduling order be granted. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Amend pleadings and/or parties	July 3, 2023	October 2, 2023
Initial Expert Disclosures	August 3, 2023	November 1, 2023
Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2)	September 4, 2023	December 4, 2023
Discovery Cut-Off	October 2, 2023	January 4, 2024
Dispositive Motions	November 1, 2023	January 30, 2024
Joint Pre-Trial Order	December 1, 2023	February 29, 2024 (if dispositive motions are filed the deadline for filing the joint pre-trial order will be suspended until 30 days after a decision on the dispositive motions or further court order)

1 This request for extensions of time is not sought for any improper purpose or for purposes
2 of delay. Due to counsel for Plaintiff waiting on additional medical records, the parties request the
3 extension.

4 WHEREFORE, the parties respectfully request that this court extend the discovery dates as
5 outlined in accordance with the table above.

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7 BENSON ALLRED INJURY LAW

BRANDON SMERBER LAW FIRM

8
9 /s/ Joshua Benson

Joshua L. Benson, Esq.
Nevada Bar No. 10514
333 N. Rancho Drive, Suite 420
Las Vegas, Nevada 89106
Attorneys for Plaintiff

/s/ Justin Smerber

Justin W. Smerber, Esq.
Nevada Bar No. 10761
Susan Lee, Esq.
Nevada Bar No. 10761
139 E. Warm Springs Road
Las Vegas, Nevada 89119
Attorneys for Defendants

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13 A sufficient showing has not been made
14 as to why 90 additional days are
15 necessary, but the Court will allow the
16 extension as a one-time courtesy to the
parties. Counsel are reminded to move
forward with discovery with diligence.

ORDER

17 
UNITED STATES MAGISTRATE JUDGE

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19 DATED: July 3, 2023
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